

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Dusty Button and
Mitchell Taylor Button

v.

Case No. 24-cv-220-SM-AJ

Robin Melone, et al.

O R D E R

This action arises from a case that is pending in the District of Nevada, Humphries v. Button, 21-cv-1412-ART-EJY (D. Nev. filed July 28, 2021), ("Nevada case"). There, two plaintiffs are proceeding anonymously as Jane Does.¹ Id., doc. no. 39. The Nevada court issued a protective order to provide a mechanism for the defendants to learn the identities of the anonymous plaintiffs, with the following restriction:

Any person who learns either of the Doe Plaintiff's identities pursuant to this Protective Order shall use that information only for purposes of this litigation and shall not disclose either of the Doe Plaintiff's identities to anyone except persons identified in Paragraph 2, absent court order.²

¹ The court in that order referred to the Jane Doe plaintiffs as Jane Doe 100 and Jane Doe 200, but now they appear to be referred to as Jane Doe 1 and Jane Doe 2. See, e.g., 21-cv-1412, Doc. no. 379; end. or. Oct. 4, 2024.

² Paragraph 2 in the protective order provides as follows:

2. The following persons may receive notice of the Doe Plaintiffs' identities: (a) Defendants Mitchell Taylor Button and Dusty Button; (b) counsel for defendants; (c) persons regularly in the employ of counsel for defendants who have a need to know Plaintiff's identity in the performance of their

Id., doc. no. 53, at 2.

The defendants in the Nevada case, Dusty Button and Mitchell Taylor Button ("the Buttons"), learned the identity of plaintiff Jane Doe 1 in the Nevada case and brought the action in this court against defendants who they allege are related to or have relationships with Jane Doe 1.³ Two of the defendants in this case seek leave to redact their motion to dismiss and file the unredacted version under seal, and the Buttons seek leave to redact their objection to that motion and to another defendant's motion and to file the unredacted versions under seal to comply with the protective order issued in the Nevada case.

This court previously granted the Buttons' motions to redact references to the actual name of Jane Doe 1 and to seal the unredacted version of the complaint in this case to hide Doe's identity. End. Or. Aug. 6, 2024. The court also granted the Buttons' motion to redact and seal the amended complaint to

duties related to this action; (d) potential witnesses for this action, including expert witnesses, provided that such persons agree to and sign the attached undertaking (Appendix A). Counsel for defendants shall maintain copies of all signed undertakings. Doc. no. 53, at 2.

³ Despite the restrictions imposed by the court in the Nevada case, the Buttons may have used their knowledge of the identity of one of the Jane Doe plaintiffs to bring the claims in the action they filed here. The Buttons have not demonstrated that they sought or received permission from the Nevada court to use the information for that purpose.

protect Doe 1's identity. End. Or. Sept. 27, 2024.


The moving parties represent that it is necessary to redact the names of the two defendants to avoid disclosure of Jane Doe 1's identity because of their relationship to Jane Doe 1. The court notes, however, that the defendants' names appear as parties on the docket in this case and in other filings. For that reason, redacting their names only in the complaint, the motion to dismiss, and the objections, and sealing those documents, would not protect the identity of the Doe plaintiff as the Nevada court ordered.

To avoid disclosing the identity of Jane Doe 1, which is protected in the Nevada case, the defendants in this case who moved to file under seal shall proceed anonymously as Jane Roe and John Roe. See Doc. no. 35. Their names shall be changed for all purposes in this case, including on the docket. All of the parties shall review the docket in this case to identify all previously filed documents that use the actual names of Jane Roe and John Roe, shall file the original versions under seal at Level 1, and shall file amended versions of those documents substituting Jane Roe and John Roe. All future filings shall use Jane Roe and John Roe to refer to those two defendants and shall use Jane Doe 1 to refer to the plaintiff who is proceeding under that pseudonym in the Nevada case.

Conclusion

For the foregoing reasons, the motions to seal (doc. nos. 33 and 35) are granted. The moving defendants shall proceed anonymously as Jane Roe and John Roe as provided in this order. The parties shall comply with the pseudonym and sealing requirements provided in this order by **November 6, 2024**.

SO ORDERED.



Steven J. McAuliffe
United States District Judge

October 25, 2024

cc: Dusty Button, pro se
Mitchell Taylor Button, pro se
Counsel of Record